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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,070	03/19/2004	Masakazu Sueda	D-1607	7044

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EXAMINER

PATEL, VISHAL A

ART UNIT PAPER NUMBER

3679

DATE MAILED: 08/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/804,070

Applicant(s)

SUEDA, MASAKAZU

Examiner

Vishal Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This action is a non-final action because the allowable claim 11 is now withdrawn based on newly founded reference of Inoue. Examiner apologies for any inconvenience that may occur to the applicant.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6, 8-11 and 13-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Inoue (JP 09229198A).

Inoue discloses a metal gasket having a hole to be sealed (figure 6). The metal gasket having a first metal base plate (top plate 1) having a first main bead (main bead 3) around the hole, a first outer sub-bead section smaller (one of sub bead 5) than the first main bead and provided outside the first main bead, a first inner sub-bead section (other sub bead 5) smaller than the first main bead and provided inside the first main bead, a second metal base plate (bottom plate 2) laminated with the first metal base plate and having a second main bead (main bead 4) around the hole, a second outer sub-bead section (one of sub bead 6) smaller than the second main bead and provided outside the second main bead, the second outer sub-bead section abutting at least partly against the first outer sub-bead section in a radial direction of the hole for

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sealing (the beads 5 and 6 abut in a radial direction), a second inner sub-bead section (other sub bead 6) smaller than the second main bead and provided inside the main bead, the second inner sub-bead section abutting at least partly against the first inner sub-bead section in the radial direction for sealing (beads 5-6 abut in the radial direction) and the first and second main beads are arranged to project outwardly of the gasket (as seen in figure 8 the beads 3 and 4 project outwardly of the gasket).

The first and second beads are half beads formed around the hole (the first and second beads are now 25 and 26 which are half beads).

The first and second outer sub-bead sections abut against each other at side peripheries thereof (that is the case as seen in figures 6 and 8).

The first and second outer sub-beads sections orient in same directions so that one of the first and second outer sub-bead sections fit in the other of the first and second outer sub-bead section (the beads 5 fits into beads 6).

At least one of the first and second sub-bead sections is formed intermittently in a circumferential direction (that is the case).

The first and second inner sub-bead sections contact each other and the first and second outer sub-bead sections contact each other when the gasket is assembled (figures 6 and 8).

The first and second inner sub-bead sections abut against each other at side peripheries thereof.

At least one of the first and second outer sub-bead sections and first and second inner sub-bead section is formed intermittently in a circumferential direction.

The first and second inner sub-bead sections and the first and second outer sub-bead sections orient in same directions. The first and second inner sub-bead sections fits with the other of the first and second inner sub-bead sections. The first and second outer sub-bead sections fits with the other of the first and second outer sub-bead sections.

The second outer sub-bead section is at least partly located outside the first outer sub-bead section and the second inner sub-bead section is at least partly located inside the first inner sub-bead section so that when the gasket is compressed, the second outer and inner sub-bead sections restrict lateral movements of the first outer and inner sub-bead section (this is the case since sub-beads 5 are received into sub-beads 6).

The second main bead has a size less than that of the first main bead (this is the case since as seen in figure 8, a second main bead 3 is placed into a first main bead 4, sub-beads 5 and sub-beads 6).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue in view of Udagawa (US. 4,759,585).

Inoue discloses the invention substantially as claimed above but fails to disclose that at least one of the first and second outer sub-bead section and the first and second inner sub-bead

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sections is formed of two sub-beads. Udagawa teaches that two sub-beads (sub-beads E30a on one plate and E31a on another plate) are formed in a metal gasket having two plates and three sub-beads (two sub-beads F31b and F31a on one plate and sub-bead F30a on another plate) are formed in a metal gasket. It would have been obvious to one having ordinary skill in the art at the time the invention was made to configure one of the sub-bead in Inoue to be two sub-beads as taught by Udagawa, since have a single bead or multiple beads is considered to be art equivalent (figures 9-10 of Udagawa).

Response to Arguments

5. Applicant's arguments with respect to claims 1-6 and 8-18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vishal Patel whose telephone number is 571-272-7060. The examiner can normally be reached on 6:30am to 8:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VP
August 18, 2005

A handwritten signature in black ink, appearing to read "Vishal Patel". The signature is stylized with a large, sweeping "V" and a cursive "Patel".

Vishal Patel
Patent Examiner
Tech. Center 3600